

REMARKS

Favorable reconsideration of the present application is requested. Claims 1-24 are pending.

INFORMATION DISCLOSURE STATEMENT

Applicant appreciates the Examiner's consideration of the Information Disclosure Statement of July 29, 2004.

DRAWINGS

Applicant appreciates the Examiner's acceptance of the drawings.

PRIORITY DOCUMENTS

Applicant appreciates the Examiner's acknowledgement of Applicant's claim for foreign priority under 35 U.S.C. § 119 and the indication that all certified copies of the priority document have been received.

CLAIM OBJECTIONS

The Examiner objects to claim 22 under 37 C.F.R. 1.75(c) as being improper. Applicant has amended claim 22 taking into account the Examiner's comments. Withdrawal of this rejection is requested.

REJECTIONS UNDER 35 U.S.C. §101

The Examiner rejects claims 1-24 under 35 U.S.C. § 101 as allegedly directed to nonstatutory subject matter. Although Applicant does not necessarily agree with the Examiner's rejection, Applicant has amended claims 1, 12 and 24 taken into account the Examiner's comments. Applicant believes these claims are statutory under 35 U.S.C. § 101. Withdrawal of this rejection is requested.

PRIOR ART REJECTIONS

REJECTIONS UNDER 35 U.S.C. § 102

The Examiner rejects claims 1-24 under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Publication No. 6,029,144 ("*Barrett*"). Applicant traverses this rejection.

According to *Barrett*, an auditor workflow system 216 guides auditors through each claim audit. More particularly, the work flow system 216 uses claim information from an audit output and a flow-mark business model to pass recommendations of the policy checker 208 to a human auditor. The work flow system 216 also acts upon the human auditors actions performed in response to the recommendations of the policy checker 208.

The Examiner relies upon the auditor workflow system 216 to allegedly teach the second apparatus of claim 1. The workflow management system of claim 1 includes a second "adapted to control activity stages in a workflow for the purpose of processing the process definitions." The auditor workflow system 216 in *Barrett*, however, performs no such controlling of activity stages. As explicitly set forth in *Barrett*, the auditor workflow system 216 merely guides a human auditor through each claim audit. That is, namely, the auditor workflow system 216 provides recommendations of actions that a human auditor should take. In response to these recommendations, the human auditor controls the auditor workflow management system 216. Thus, at most, only the human auditor, but not the auditor workflow system 216, can be said to control because no such action is taken until the human auditor acts upon the recommendation.

For at least this reason, the auditor workflow system 216 does not constitute the "second apparatus," of claim 1, and claim 1 is patentable over *Barrett*. Claims 2-9 and 15-18 are patentable over *Barrett* at least by virtue of their dependency from independent claim 1. Independent claims 10 and 24 are patentable over *Barrett* for at least reasons somewhat similar to those set forth above with regard to claim 1. Claims 11-14 and 19-23 are patentable over *Barrett* at least by virtue of their dependency from independent claim 10.

CONCLUSION

In view of the foregoing remarks, favorable reconsideration and allowance of the pending claims is requested.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant(s) hereby petition(s) for a three (3) month extension of time for filing a reply to the outstanding Office Action and submit the required \$1,020 extension fee herewith.

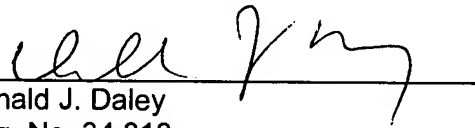
If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Andrew M. Waxman, Reg. No. 56,007, at the number of the undersigned listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY & PIERCE, PLC

By


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